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February 4, 2025

BY ECF

Honorable Brian R. Martinotti, U.S.D.J.
United States District Court
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: *In Re Selenious Acid Litigation*
Civil Action Nos. 24 CV 7791 (BRM)(CLW)(consolidated)

Dear Judge Martinotti:

Please accept this letter on behalf of Defendants in response to Your Honor's email from this morning and Plaintiff's February 3, 2025 Letter (ECF No. 119).

Plaintiff's letter request for a TRO is unwarranted, premature and improper. By its own admission, none of the Defendants are in a position to launch their products yet—thus, there has been no change in the status quo since the Court ordered that all briefing must “be completed on or before 2/24/25” (ECF No. 59).

With regard to the allegations set forth in Plaintiff's premature letter request for a TRO, the only current “emergency” is one created by Plaintiff's impatience. Plaintiff sent Defendants an email after the close of business on Thursday, January 30, demanding a response 23 hours later as to



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Instead of awaiting Defendants' responses, sending a simple follow up email asking to meet and confer, or previewing that Plaintiff would seek relief from the Court, Plaintiff chose instead to file its letter seeking a premature TRO, which can be denied on that basis alone.

We thank Your Honor for your consideration of this request. Should Your Honor have any questions, we are available at your convenience, including for a teleconference at 11:00 AM tomorrow.

Respectfully submitted,

s/ James S. Richter

James S. Richter

Cc: All Counsel of Record (by email)

